

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHRISTOPHER ARMSTRONG,

Plaintiff/Counter-Defendant,

vs.

CASE NO. 2011-cv-11921

ANDREW SHIRVELL,

Hon. Judge Terrence G. Berg

Defendant/Counter-Plaintiff.

Mag. Judge Anthony P. Patti

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**CONSENT MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF
AND SUPPORTING BRIEF**

Sarah S. Prescott of Salvatore Prescott Porter & Porter, PLLC (hereinafter collectively “Salvatore Prescott”), in accordance with Rule 1.16 of the Michigan Rules of Professional Conduct and with the consent of the parties, move for an Order allowing Sarah Prescott to withdraw as counsel of record for Plaintiff. In support of this motion, Ms. Prescott states the following:

1. Ms. Prescott served as counsel to Plaintiff in this matter years ago when employed at the law firm of Deborah Gordon PLLC. However, Ms. Prescott has not worked in that office since 2016.

2. Rule 1.16(b) of Michigan Rules of Professional Conduct allows withdrawal if, among other things, withdrawal can be accomplished without material adverse effects on the interests of the client and if good cause for withdrawal exists. The decision to grant or deny a motion to withdraw representation is in the discretion of the court. *Nevarez v. Branch Banking & Tr. Co.*, No. 1:15-cv-873, 2016 U.S. Dist. LEXIS 156616, at *2 (W.D. Mich. Sep. 22, 2016), citing *Brandon v. Belch*, 560 F.3d 536, 537 (6th Cir. 2009).

3. Here, withdrawal can be accomplished without material adverse effects on the client. This lawsuit has been inactive since approximately 2015 and Plaintiff is represented by other counsel. Ms. Gordon’s firm remains entirely capable of the representation.

4. Furthermore, Mr. Shirvell has consented to the withdrawal.

5. There is good cause for Salvatore Prescott to withdraw as counsel.
6. Plaintiff has been notified of Ms. Prescott's need to withdraw as his counsel through service of this motion to Ms. Gordon's firm through the ECF System.
7. To facilitate future communications, Plaintiff can continue to be contacted through his current counsel:

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8. Given that good cause exists for withdrawal and the Court has discretion to permit Ms. Prescott to withdraw, Ms. Prescott respectfully requests the Court's entry of an Order permitting Sarah Prescott to withdraw from representing Plaintiff, effective immediately upon entry.
9. Pursuant to Local Rule 7.1, Ms. Prescott sought concurrence to the relief requested herein. No party signaled any intention to oppose.

WHEREFORE, Sarah Prescott moves for entry of an order allowing the withdrawal of Appearance of herself Sarah S. Prescott and/or Salvatore Prescott Porter & Porter, PLLC in this case.

Dated: September 27, 2022

Respectfully submitted,
SALVATORE PRESCOTT
PORTER & PORTER, PLLC

/s/ Sarah S. Prescott

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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2022, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to counsel of record.

Dated: September 27, 2022

/s/ Tara L. Lank

Tara L. Lank